

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A.)
DREW EDMONDSON, in his capacity as)
ATTORNEY GENERAL OF THE STATE)
OF OKLAHOMA AND OKLAHOMA)
SECRETARY OF THE ENVIRONMENT)
C. MILES TOLBERT, in his capacity as the)
TRUSTEE FOR THE NATURAL)
RESOURCES FOR THE STATE OF)
OKLAHOMA,)

Plaintiff,

v.

Case No. 05-CV-00329 GKF-SAJ

TYSON FOODS, INC., TYSON)
POULTRY, INC., TYSON CHICKEN,)
INC., COBB-VANTRESS, INC., CAL-)
MAIN FOODS, INC., CAL-MAINE)
FARMS, INC., CARGILL, INC.,)
CARGILL TURKEY PRODUCTION, LLC,)
GEORGE'S, INC., GEORGE'S FARMS,)
INC., PETERSON FARMS, INC.,)
SIMMONS FOODS, INC., and WILLOW)
BROOK FOODS, INC.,)

Defendant.

AFFIDAVIT OF RON TIMMONS

STATE OF OKLAHOMA)
) SS.
COUNTY OF CHEROKEE)

Ron Timmons, of lawful age, being first duly sworn, deposes and states as follows:

1. My name is Ron Timmons. I am a cattle rancher. My address is in Tahlequah, Oklahoma.
2. I make this affidavit in support of the amicus brief to be filed by Oklahoma Farm Bureau opposing the Attorney General's request for

an injunction. Everything in this affidavit is true and correct to the best of my information and belief.

3. I live in Cherokee County. We call our ranch the Bar T Bar.
4. I am a member of the Oklahoma Farm Bureau.
5. I own 500 acres and lease 380 acres. I'm in the process of purchasing 300 acres which I am leasing. So, I raise cattle and hay on 880 acres. Part of the property I lease is on both sides of the Illinois River and abuts the River. The property I own drains into the Barron Fork Creek. My family has had a ranch here since 1942.
6. I do not raise poultry, but I use poultry litter as fertilizer on my property when I can get it. My budget for fertilizer is between \$10,000 and \$12,000 annually. I would rather spend my fertilizer budget on litter.
7. Poultry litter is more economical than commercial fertilizer. I can put commercial fertilizer on and get about a 90 day benefit. I believe that poultry litter is better for the land. It makes the soil softer, loamier, while commercial fertilizer tends to pack the soil. Plus it's more "bang for the buck."
8. I get more use out of poultry litter because I get about 60% of the value this year and about 40% of the value next year.
9. I have a dug well that is twenty-two feet deep. My eighty-three year old mom has been drinking from that well for a long time. The water is delicious. No one has ever gotten sick from drinking from that well even though it is near property that has been fertilized with poultry litter.
10. My observation is that before the poultry industry grew up in this area, this country was full of poor people, people who could not make a living. The poultry industry has built this area of Oklahoma and Arkansas. The poultry industry with the poultry production itself provides jobs and so forth. Farmers and ranchers have used the litter to make the rocky areas into better soil. I believe the better soil is the driving force for the growth of the cattle industry in this part of the country. Because the soil is richer, cattle ranchers like me can grow more hay and sustain more cattle per acre.

11. What you see in this area now is better and bigger houses, better fences, jobs, feed suppliers, and more cattle in the fields.
12. I consider poultry litter a valuable by-product of the poultry industry.
13. If the application of poultry litter is banned in the Illinois River Watershed, I would not be able to raise as much hay. I could use commercial fertilizer for a year or two, but I would end up with hard ground and less yield. The end result would be that I would have to cut back on the number of cattle that my property can support. That would reduce my net income. I imagine I could stay in business since I own my land, but I might have to change what I grow.
14. I am hopeful to be able to hold onto this ranch. The next generation of farmers has to come from family ranches like mine. The margin for making a living out of farming and ranching is narrow. Young people cannot afford to buy the land that they need to start a farm or ranch and support themselves from it.
15. In 1942 my grandpa bought part of the land that I ranch on. I bought the rest in 1988. I am hoping that my grandsons will be able to make this a "century ranch."

Dated this 2 day of February, 2008.

Ronald H. Timmons
Ron Timmons

Subscribed and sworn to before me this 2 day of February, 2008.

David J. Shaw
Notary Public 02001569

My Commission Expires:

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[SEAL]